Water Resources Protection Ordinance Adoption, Repeal of Ordinance 83-2 and Adoption of a Resolution Adopting the District's Water Resources Protection Manual : Inital Study

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Santa Clara Valley Water District

Water Resources Protection Ordinance Adoption, Repeal of Ordinance 83-2 and Adoption of a Resolution Adopting the District's Water Resources Protection Manual

Initial Study

Prepared for
Santa Clara Valley Water District
5750 Almaden Expressway
San Jose, CA 95118

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September 2006

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ENVIRONMENTAL CHECKLIST FORM

1. Project title:

Water Resources Protection Ordinance Adoption, Repeal of Ordinance 83-2, and Adoption of a Resolution Adopting the District's Water Resources Protection Manual

2. Lead agency name and address:

Santa Clara Valley Water District
5750 Almaden Expressway
San Jose, 95118

3. Contact person and phone number:

Luis C. Jaimes, P.E.
Senior Project Manager, Office of Watershed Planning
(408) 265-2607, ext. 2576

4. Project location:

Santa Clara County, California

5. Project sponsor's name and address:

Santa Clara Valley Water District
5750 Almaden Expressway
San Jose, 95118

6. Description of project:

The Santa Clara Valley Water District (District) is considering the passage of Proposed Ordinance 06-1 (Ordinance), the repeal of existing ordinance 83-2 and passage of a Resolution adopting the District's Water Resources Protection Manual (Manual). Draft Ordinance 06-1 would revise and repeal Ordinance 83-2, which was last revised in 1985, and would establish a process to obtain Encroachment Permits for Modifications on District Facilities and/or District Easements. It also establishes a procedure for the administration and issuance of such Encroachment Permits.

Proposed Ordinance 06-1 repeals Ordinance 83-2, under which the District required and issued permits for certain activities on certain streamside parcels throughout Santa Clara County. The permit function exercised under 83-2 will now be carried out by the local municipality in which the project is located. Any agency who exercises the permitting authority will carry out the requirements of CEQA on a project specific basis.

The Resolution would adopt the District's Water Resources Protection Manual (Manual), which would serve as the basis for the District's evaluation of Encroachment Permit applications. The Manual implements the model guidelines and standards recommended by the Santa Clara Valley Water Resources Protection Collaborative (Collaborative) following a review of the District's existing regulations.

The proposed ordinance incorporates the following elements:

Clarity of Governance: The approach makes a clear distinction regarding governance. Municipal organizations will continue to exercise their existing land use authority. The District will issue permits solely where it has a

facility or property interest. With Ordinance 83-2, the District made project by project recommendations to municipal organizations for use in consideration of development proposals on private property. Municipal organizations are now considering adoption and implementation of the model Guidelines and Standards, yielding similar or better levels of environmental protection as is provided by a project by project review basis.

Clarity of Standards: The Collaborative developed model Guidelines and Standards will serve as a basis for the District and municipal organizations to consider. The application of District's standards will be on its facilities and properties. Each municipal organization will develop and apply these standards within their jurisdiction. Use of a single source document for environmental standards shifts the application of these standards from a project by project approach to a unified program approach and clarifies the actual suite of standards.

Streamlined processing: Property owners and land use applicants will only need to work with one agency unless an activity is proposed on a District facility or property. Then, a District encroachment permit will be needed. A unified program approach should lessen confusion and yield better intended results.

Focus on Strengths: Municipal organizations have land use authority and police powers and are well suited to impose and enforce development standards. Municipal organizations can uses these strengths to foster resource protection. The District's strength is its technical knowledge and can provide technical assistance through early consultation, in-depth project referrals. The District can also focus its efforts on protection and enhancement of its assets.

Section 1.2 of Draft Ordinance 06-1 states: "The intent of this Ordinance is to secure the health, safety, and welfare of the people of the District and to accomplish District purposes described in the District Act, including providing a reliable supply of healthy and clean water; reducing the potential for flood damages; protecting and when appropriate enhancing and restoring natural resources of streams and watersheds; prohibiting injury to District property and projects; and providing additional open spaces, trails, and parks along creeks and in the watersheds when reasonable and appropriate."

The Resolution notes that the Manual contains "standards and illustrative guidelines, drawing from the Collaborative model guidelines and standards, which will be used for the evaluation of permit applications and the establishment of permit conditions under Ordinance 06-1." In addition, the Resolution notes that the Manual is intended to compliment existing local, state, and federal regulations, and that additional requirements beyond those contained in the Manual may be needed to comply with CEQA, and other regulations and permits.

Background

The District is a special district created by the California state legislature to be responsible for water supply, flood protection and watershed management in Santa Clara County, with an area of approximately 1,300 square miles and nearly 1.7 million residents. The District's enabling legislation (District Act) defines the purpose of the District as: "to provide for the control and conservation of flood and storm waters and the protection of watercourses, watersheds, public highways, life and property from damage or destruction from such waters." To accomplish this purpose, the District was empowered to take action "to enhance, protect, and restore streams, riparian corridors, and natural resources."

The District is governed by an elected Board of Directors (Board). Among its authorized powers, the District Act also grants the Board the power to adopt ordinances and resolutions. The mission of the District is to provide a "healthy, safe, and enhanced quality of living in Santa Clara County through watershed stewardship and comprehensive management of water resources in a practical, cost-effective, and environmentally sensitive manner." Consistent with its mission, the District has taken on the role of local watershed steward through

various programs, including a Stream Maintenance Program to preserve flood protection characteristics of streams, a Grant-In-Aid program that funds watershed restoration activities, an Adopt-A-Creek program that organizes volunteer-based creek protection efforts, participation in the Creek Connections Action Group which organizes creek clean-up programs, and various water pollution prevention activities.

To facilitate implementation of District policies, as well as to clarify and streamline local permitting for streamside activities, a collaborative team was assembled in 2003 and included District staff, staff representatives of the County of Santa Clara, the cities in Santa Clara County, the Guadalupe-Coyote Resource Conservation District, the San Francisco Bay Regional Water Quality Control Board (RWQCB), various business and development interests, environmental, agricultural and community interests, and a representative of property owners' interests to form the Santa Clara Valley Water Resources Protection Collaborative (Collaborative).

The Collaborative identified the goals of:

1. Identifying and addressing typical issues associated with development next to streams;
2. Developing clear, consistent guidance to property owners and developers how to design and construct streamside development projects in a way that protects streams and streamside resources;
3. Clarifying and streamlining the permitting process for streamside property owners throughout Santa Clara County; and
4. Developing Guidelines and Standards for streamside developments that focus on local control of the permitting process for these lands.

A primary objective of the Collaborative was to develop and implement a consistent set of guidelines and standards that would protect water and watershed resource protection throughout Santa Clara County. The District, along with representatives from the Collaborative, developed the Guidelines and Standards for Land Use near Streams (Guidelines and Standards) and a User's Manual for the Guidelines and Standards (Manual), which are intended to serve as models to protect existing streams and adjacent habitat, as well as surface and groundwater quality and quantity.

Drawing from the Collaborative's work products, the District is proposing revisions to its Ordinance concerning protection of water resources, which was last revised in 1985. The proposed Ordinance 06-1 outlines the types of activities that will require an Encroachment Permit, and clarifies the requirements for how work should be done. The proposed Ordinance clarifies the basis for permit approvals, and creates a process to adopt a Manual, which includes a Design Guide intended to provide further detail, illustrations, and clarification on the application of the requirements.

The Manual will be used by the District in its review of Encroachment Permit applications for proposed land use activities. An Encroachment Permit provides written permission for a Permittee to enter, use, temporarily access, or undertake any development or modification on District facilities. Development is defined as: "The placement or erection of any solid material or structure; grading, removing, dredging, mining, or extraction of any materials; construction, reconstruction, demolition, or alteration of the size of any structure, including any facility of any private, public, or municipal utility; and the removal or installation of vegetation."

Chapter 1 of the Manual states: "The following requirements will be used to determine compliance with Section 2.3.3(6) of the Water Resources Protection Ordinance (Ordinance 06-1). Recommended practices are outlined at the end of each section as appropriate. Illustrative detail and clarification on the specific application of the requirements and recommendations can be found in the Design Guide contained in Chapter 3." The requirements and recommendations addressed in Chapter 1 consist of the following areas: (I) Riparian Corridor

Protection; (II) Levee and Pipeline Protection; (III) General Landscaping; (IV) Streambed Stability/Streambed Conditions; (V) Encroachments between the Top of Bank; (VI) Erosion Prevention and Repair; (VII) Grading; (VIII) Outfalls, Pump Stations and Site Drainage; (IX) Channelization; (X) Utility Encroachments; (XI) Trail Construction; (XII) Septic Systems; (XIII) Groundwater Protection; and (XIV) Flood Protection.

The Manual is designed to complement existing regulations, such as NPDES provisions, which address related water quality issues. The Manual reference those activities for which state and federal agencies should be consulted. In addition, Section 2.3.2 notes that "Issuance of an Encroachment Permit is subject to the requirements of the California Environmental Quality Act (CEQA)," and (A) "For any Encroachment Permit associated with a project that will be approved or carried out by a Municipal Organization or other public entity as lead agency, the lead agency's environmental assessment for the project must be include those activities covered by the Encroachment Permit."

By October 2006, the District proposes to consider adoption of the new Ordinance replacing the existing Ordinance 83-2, and consider adoption of the Manual by resolution. The Ordinance and resolution are proposed to take effect March 1, 2007. The proposed Draft Ordinance 06-1 contains the following components: Article 1.0 of the proposed Ordinance describes the General Provisions of the Ordinance. Article 2.0 covers District Facility and Right of Way Protection, including Encroachment Permit requirements, as well as permit procedures, time limits for commencing use of permits, appeals, and the revocation process. Article 3.0 describes enforcement of the Ordinance, while Article 4.0 describes the Manual. Article 5.0 covers the Effective Date and repeals Ordinance 83-2.

Each Municipal organization has committed to bring to their respective elected bodies by February 2007 the implementation of the Collaborative workproducts. All municipal organizations maintain current land use authority to implement land use regulations. The work products of the Collaborative better define the specific requirements related to development adjacent to streams.

7. Surrounding land uses and setting

Santa Clara County has a total area of 3,377 km^2 (1,304 mi^2) and is bordered on the northwest by San Mateo County, on the southwest by Santa Cruz County, on the north by Alameda County, on the east by Stanislaus County, on the southeast by Merced County, and on the south by San Benito County. As of the 2000 census, there were 1,682,585 people and 565,863 households in the county. The population density is 503/km^2 (1,304/mi^2). There were 579,329 housing units at an average density of 173/km^2 (449/mi^2).

There are 15 incorporated cities and towns in the County, including Campbell, Cupertino, Gilroy, Los Altos, Los Altos Hills, Los Gatos, Milpitas, Monte Sereno, Morgan Hill, Mountain View, Palo Alto, San Jose, Santa Clara, Saratoga, and Sunnyvale.

There are five major watersheds identified within the County: the Coyote, Guadalupe, Lower Peninsula, West Valley, and Uvas-Llagas. The Coyote watershed encompasses an area of approximately 322 square miles, and includes Coyote Creek, which is the longest creek in the county. The Guadalupe watershed covers an area of approximately 170 square miles, and includes the Guadalupe River and its tributaries (including Lexington Reservoir) draining through San Jose and into the San Francisco Bay. The Lower Peninsula watershed includes an area of roughly 98 square miles of primarily small-creek watersheds along San Francisquito Creek and its tributaries, draining into the San Francisco Bay. The West Valley watershed covers 85 square miles of multiple small-creek watersheds, many of which are channelized. The Uvas-Llagas watershed encompasses an area of roughly 104 square miles of mostly agricultural lands that drain south to the Pajaro River.

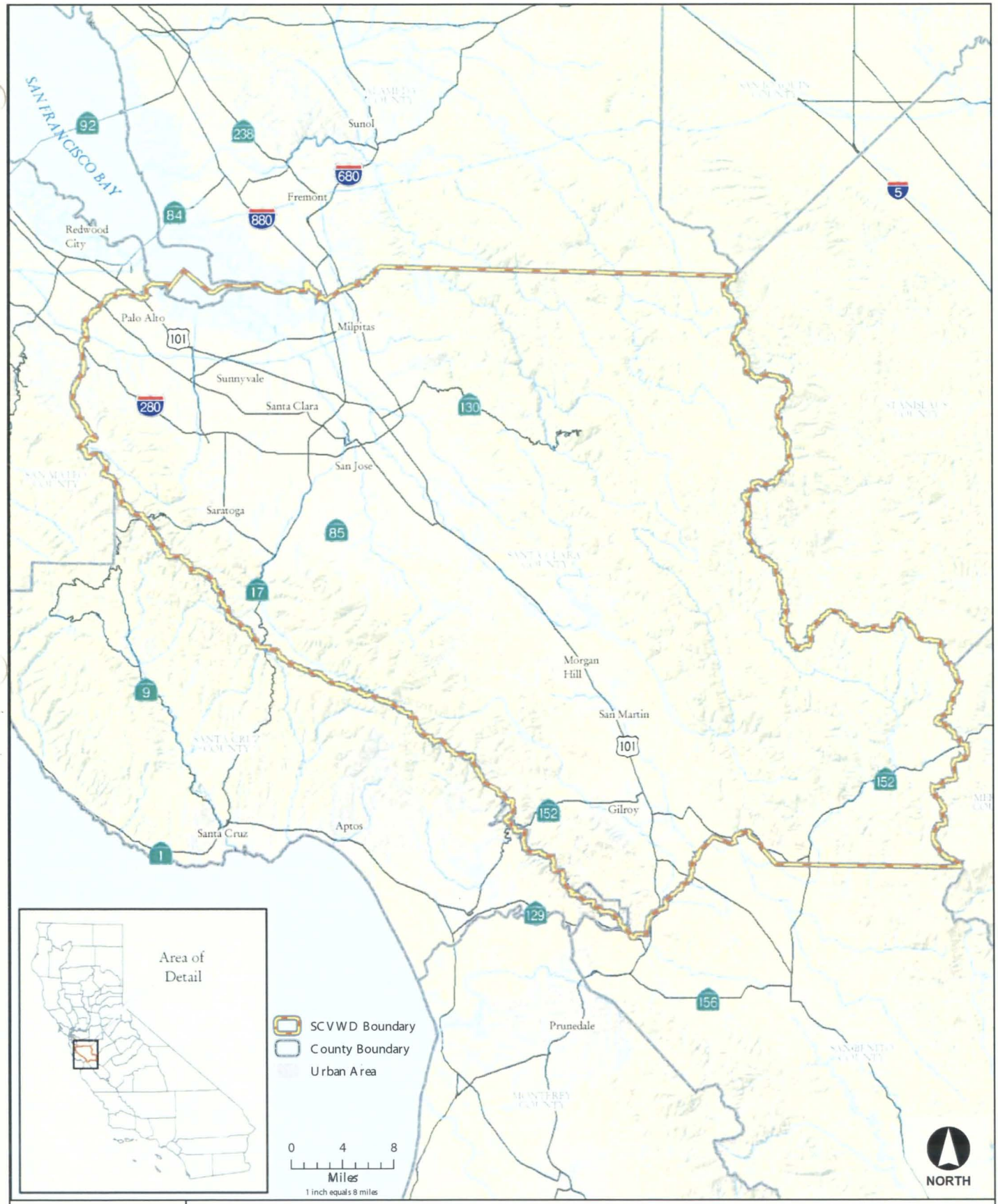

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FIGURE 1

Location Map

Source: USBR & DWR, SCVWD Boundary; TIGER 2K, Transportation Network, 2000; USGS, Hydrography, Dec. 1998; and EIP Associates, Mar. 2006.

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Santa Clara Valley Water District

Source: Santa Clara Valley Water District, 2006.

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FIGURE **2**

Santa Clara County Watersheds Map

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Santa Clara Valley Water District

8. Other public agencies whose approval is required (e.g., permits, financing approval, or participation agreement):

There are no other agencies that must approve the proposed draft Ordinance or Manual after action by the Santa Clara Valley Water District Board and prior to the effective date of the Ordinance and Manual.

For information, the following other agencies may still review individual project proposals. Actions by the Board and individual municipal organizations will have no effect on these possible reviews.

- Responsible Agencies
    - California Department of Fish and Game (if Streambed Alteration Agreement is required)
- Trustee Agencies
    - California Department of Fish and Game
- Reviewing Agencies
    - United States Army Corps of Engineers
    - US Fish and Wildlife Service
    - Central Coast Regional Water Quality Control Board
    - San Francisco Regional Water Quality Control Board
    - NOAA Fisheries

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

☐ Aesthetics	☐ Agriculture Resources	☐ Air Quality
☐ Biological Resources	☐ Cultural Resources	☐ Geology/Soils
☐ Hazards & Hazardous Materials	☐ Hydrology / Water Quality	☐ Land Use / Planning
☐ Mineral Resources	☐ Noise	☐ Population / Housing
☐ Public Services	☐ Recreation	☐ Transportation/Traffic
☐ Utilities / Service Systems	☐ Mandatory Findings of Significance	

DETERMINATION (TO BE COMPLETED BY THE LEAD AGENCY)

On the basis of this initial evaluation:

I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.	☒
I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.	☐
I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.	☐
I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.	☐
I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.	☐

Signature _____ Date _____

Name and Title _____ Agency _____

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact

ENVIRONMENTAL ISSUES

I. AESTHETICS

Would the project:

(a) Have a substantial adverse effect on a scenic vista?	☐	☐	☒	☐

Discussion

Less Than Significant Impact. Adoption of the proposed Ordinance, repeal of Ordinance 83-2 and adoption by resolution of the manual would not result in any direct physical alterations to the environment. The permitting requirements and recommendations contained in the Manual, particularly Section 1 ("Riparian Corridor Protection") would reduce the potential for future streamside development projects located on District rights-of-way to have an adverse affect on scenic resources. Any activities requiring an Encroachment Permit will require additional CEQA analysis prior to approval. The impact would be *less than significant*. Implementation by municipal organizations of similar standards applying to private properties and any required CEQA review by those organizations should yield the same less than significant impact. Municipal organizations currently have the land use authority to require these standards.

(b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	☐	☐	☒	☐

Discussion

Less Than Significant Impact. The only designated state scenic highway in Santa Clara County is State Route 9 (SR-9) from the Santa Cruz county line to the City of Los Gatos. Adoption of the proposed Ordinance, repeal of Ordinance 83-2 and adoption by Resolution of the Manual would not damage scenic resources, including the removal of trees and other scenic features along riparian corridors in the vicinity of this route on District rights-of-way.

Any activities requiring an Encroachment Permit will require additional CEQA analysis prior to approval. The impact would be *less than significant*. Implementation by municipal organizations of similar standards applying to private properties and any required CEQA review by those organizations should yield the same less than significant impact. Municipal organizations currently have the land use authority to require these standards.

(c) Substantially degrade the existing visual character or quality of the site and its surroundings?	☐	☐	☒	☐

Discussion

Less Than Significant Impact. Adoption of the proposed Ordinance, repeal of Ordinance 83-2 and adoption by Resolution of the Manual will not degrade the existing visual character or quality of the site and its surroundings. Any activities requiring an Encroachment Permit will require additional CEQA analysis prior to approval. Provisions of the Manual would provide specific protection of the visual character of riparian corridors for future development through the imposition of permit requirements and recommendations. These include preserving riparian vegetation along riparian corridors, and locating facilities, lighting and structures outside of riparian corridors on District rights-of-way. This would be a beneficial effect; therefore, this impact would be *less than significant*. Implementation by municipal organizations of similar standards applying to private properties

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
and any required CEQA review by those organizations should yield the same less than significant impact. Municipal organizations currently have the land use authority to require these standards.				
(d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	☐	☐	☒	☐

Discussion

Less Than Significant Impact. Adoption of the proposed Ordinance, repeal of Ordinance 83-2 and adoption by Resolution of the Manual do not result in a direct in a new source of light or glare. Any activities requiring an Encroachment Permit will require additional CEQA analysis prior to approval. The requirements and recommendations included in the Manual include standards related to new lighting in the vicinity of riparian corridors, which would reduce the potential for any new sources of light and glare. These include: avoiding nighttime lighting and avoiding bright colors and glossy or glare producing finishes in riparian corridors, directing nighttime lighting away from riparian corridors, and maximizing the distance between nighttime lighting and the riparian corridor where the lighting may be located on District rights-of-way. This would be a beneficial effect; therefore, this impact would be *less than significant*. Implementation by municipal organizations of similar standards applying to private properties and any required CEQA review by those organizations should yield the same less than significant impact. Municipal organizations currently have the land use authority to require these standards.

II. AGRICULTURE RESOURCES

In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project:

(a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to nonagricultural use?	☐	☐	☐	☒

Discussion

No Impact. Adoption of the proposed Ordinance, repeal of Ordinance 83-2 and adoption by Resolution of the Manual would not result in the conversion of any Prime Farmland, Unique Farmland, or Farmland of Statewide. Any activities requiring an Encroachment Permit will require additional CEQA analysis prior to approval. There would be *no impact*. Implementation by municipal organizations of similar standards applying to private properties and any required CEQA review by those organizations should yield the same no impact result. Municipal organizations currently have the land use authority to require these standards.

(b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	☐	☐	☐	☒

Discussion

No Impact. Adoption of the proposed Ordinance, repeal of Ordinance 83-2 and adoption by Resolution of the Manual would not conflict with or affect the existing zoning of any lands designated for agricultural use or conflict with any Williamson Act contracts. There would be *no impact*. Implementation by municipal

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
organizations of similar standards applying to private properties and any required CEQA review by those organizations should yield the same no impact result. Municipal organizations currently have the land use authority to require these standards.				
(c) Involve other changes in the existing environment, which, due to their location or nature, could result in conversion of Farmland, to nonagricultural use?	☐	☐	☐	☒

Discussion

No Impact. Adoption of the proposed Ordinance, repeal of Ordinance 83-2 and adoption by Resolution would not involve other changes in the existing environment that could result in the conversion of Farmland to non-agricultural uses. Any activities requiring an Encroachment Permit will require additional CEQA analysis prior to approval. There would be *no impact*. Implementation by municipal organizations of similar standards applying to private properties and any required CEQA review by those organizations should yield the same no impact result. Municipal organizations currently have the land use authority to require these standards.

III. AIR QUALITY

Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:

(a) Conflict with or obstruct implementation of the applicable air quality plan?	☐	☐	☐	☒

Discussion

No Impact. The proposed project site is within the Bay Area Air Basin (BAAB), which is within the jurisdiction of the Bay Area Air Quality Management District (BAAQMD). The BAAQMD establishes the Air Quality Management Plan (AQMP) for the BAAB, which sets forth a comprehensive program that will lead the BAAB into compliance with all federal and state air quality standards. To achieve compliance with these standards, the AQMP establishes control measures and estimates of emission reductions based upon a future development scenario derived from land use, populations, and employment characteristics defined in consultation with local governments. Accordingly, a project is deemed inconsistent with air quality plans if it results in population and/or employment growth that exceeds growth estimates in the applicable air quality plan. Adoption of the proposed Ordinance, repeal of Ordinance 83-2 and adoption by Resolution of the Manual would not conflict or obstruct implementation of the applicable AQMP, and any future permitted activities would be required to comply with the standards listed in the AQMP. Any activities requiring an Encroachment Permit will require additional CEQA analysis prior to approval. There would be *no impact*. Implementation by municipal organizations of similar standards applying to private properties and any required CEQA review by those organizations should yield the same no impact result. Municipal organizations currently have the land use authority to require these standards.

(b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	☐	☐	☐	☒

Discussion

No Impact. Adoption of the proposed Ordinance, repeal of Ordinance 83-2 and adoption by Resolution of the Manual would not result in any physical changes to the environment and would not violate any air quality standard or contribute substantially to an existing or projected air quality violation. Any future permitted

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact

activities on District rights-of-way would be required to comply with any and all air quality standards. Any activities requiring an Encroachment Permit will also require additional CEQA analysis prior to approval. There would be *no impact*. Implementation by municipal organizations of similar standards applying to private properties and any required CEQA review by those organizations should yield the same no impact result. Municipal organizations currently have the land use authority to require these standards.

(c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is nonattainment under an applicable federal or state ambient air quality standard (including releasing emissions that exceed quantitative thresholds for ozone precursors)?	☐	☐	☐	☒

Discussion

No Impact. Adoption of the proposed Ordinance, repeal of Ordinance 83-2 and adoption by Resolution of the Manual would not result in the emission of criteria pollutants or result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment, and the protections afforded by the permit requirements and recommendations would likely provide a beneficial effect. Adoption of the proposed Ordinance, repeal of Ordinance 83-2 and adoption by Resolution of the Manual would not conflict or obstruct implementation of the applicable AQMP, and any future permitted activities on District rights-of-way or private property would be required to comply with the standards listed in the AQMP. Any activities requiring an Encroachment Permit will also require additional CEQA analysis prior to approval. There would be *no impact*. Implementation by municipal organizations of similar standards applying to private properties and any required CEQA review by those organizations should yield the same no impact result. Municipal organizations currently have the land use authority to require these standards.

(d) Expose sensitive receptors to substantial pollutant concentrations?	☐	☐	☐	☒

Discussion

No Impact. Adoption of the proposed Ordinance, repeal of Ordinance 83-2 and adoption by Resolution of the Manual would not result in the emission of criteria pollutants, and no sensitive receptors would be exposed to substantial pollutant concentrations. Any activities requiring an Encroachment Permit will also require additional CEQA analysis prior to approval. There would be *no impact*. Implementation by municipal organizations of similar standards applying to private properties and any required CEQA review by those organizations should yield the same no impact result. Municipal organizations currently have the land use authority to require these standards.

(e) Create objectionable odors affecting a substantial number of people?	☐	☐	☐	☒

Discussion

No Impact. Adoption of the proposed Ordinance, repeal of Ordinance 83-2 and adoption by Resolution of the Manual would not create objectionable odors affecting a substantial number of people; therefore, there would be *no impact*. Any activities requiring an Encroachment Permit will also require additional CEQA analysis prior to approval. Implementation by municipal organizations of similar standards applying to private properties and any required CEQA review by those organizations should yield the same no impact result. Municipal organizations currently have the land use authority to require these standards.

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact

IV. BIOLOGICAL RESOURCES

Would the project:

(a) Have a substantial adverse effect, either directly or through habitat alterations, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	☐	☐	☒	☐

Discussion

Less Than Significant Impact. Adoption of the proposed Ordinance, repeal of Ordinance 83-2 and adoption by Resolution of the Manual would apply specific Encroachment Permit requirements and recommendations for modifications to District rights-of-way. These requirements include: a requirement to retain and preserve existing native riparian vegetation where practical; protection of stream characteristics suitable for native aquatic species; a prohibition against the introduction of invasive species; a prohibition against the introduction of non native species between the top of bank of the stream or within a riparian corridor, and the use of native species for major development restoration landscaping, if located on District rights-of-way. Adoption of the proposed Ordinance, repeal of Ordinance 83-2 and adoption by Resolution of the Manual would not have a substantial adverse effect, either directly or through habitat modification, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or US Fish and Wildlife Service. Any activities requiring an Encroachment Permit will also require additional CEQA analysis prior to approval. This impact would be *less than significant*. Implementation by municipal organizations of similar standards applying to private properties and any required CEQA review by those organizations should yield the same less than significant impact. Municipal organizations currently have the land use authority to require these standards.

(b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?	☐	☐	☒	☐

Discussion

Less Than Significant Impact. Adoption of the proposed Ordinance, repeal of Ordinance 83-2 and adoption by Resolution of the Manual would not have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in a local or regional plans, policies, or regulations or by the California Department of Fish and Game or US Fish and Wildlife Service. Any activities requiring an Encroachment Permit will also require additional CEQA analysis prior to approval. The Manual includes riparian corridor protection guidelines to reduce modifications to riparian habitat. These include a recommendation to preserve in and near-stream existing riparian vegetation whose canopies provide shade and nutrients to aquatic life, and to protect stream characteristics suitable for fish habitat when a modification is proposed to influence these characteristics including riffles, pools, gravel beds, stable undercut banks, overhanging vegetation, and in-stream woody debris. In addition, applications for encroachments in the active channel and active floodplains have provisions addressing for fish passage and aquatic life. Any encroachments into the active channel and active floodplains must accommodate fish passage and protection for aquatic life. This impact would be *less than significant*. Implementation by municipal organizations of similar standards applying to private properties and any required

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact

CEQA review by those organizations should yield the same less than significant impact. Municipal organizations currently have the land use authority to require these standards.

(c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	☐	☐	☒	☐

Discussion

Less Than Significant Impact. Adoption of the proposed Ordinance, repeal of Ordinance 83-2 and adoption by Resolution of the Manual would not have a substantial adverse effect on federally protected wetlands through direct removal, filling, hydrological interruption, or other means. Furthermore, any permits issued by the District for modifications or encroachments in the stream channel or in active floodplains will require "appropriate accepted feasibility, geomorphic, biological, and or hydraulic analyses," as well as compliance with all local, state and federal requirements, including compliance with the Clean Water Act. Any activities requiring an Encroachment Permit will require additional CEQA analysis prior to approval. This impact would be *less than significant*. Implementation by municipal organizations of similar standards applying to private properties and any required CEQA review by those organizations should yield the same less than significant impact.. Municipal organizations currently have the land use authority to require these standards.

(d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	☐	☐	☒	☐

Discussion

Less Than Significant Impact. Adoption of the proposed Ordinance, repeal of Ordinance 83-2 and adoption by Resolution of the Manual would not interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites. Any activities requiring an Encroachment Permit will require additional CEQA analysis prior to approval. The Manual includes riparian corridor protection guidelines to reduce modifications to riparian habitat. These include a recommendation to preserve in and near-stream existing riparian vegetation whose canopies provide shade and nutrients to aquatic life, and to protect stream characteristics suitable for fish habitat when a modification is proposed to influence these characteristics including riffles, pools, gravel beds, stable undercut banks, overhanging vegetation, and in-stream woody debris. In addition, applications for encroachments in the active channel and active floodplains must provide for fish passage and must not impact aquatic life. This impact would be *less than significant*. Implementation by municipal organizations of similar standards applying to private properties and any required CEQA review by those organizations should yield the same less than significant impact. Municipal organizations currently have the land use authority to require these standards.

(e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	☐	☐	☒	☐

Discussion

Less Than Significant Impact. Adoption of the proposed Ordinance, repeal of Ordinance 83-2 and adoption by Resolution of the Manual would not conflict with any local polices or ordinances protecting biological

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact

resources, such as a tree preservation policy or ordinance. Any activities requiring an Encroachment Permit will require additional CEQA analysis prior to approval. In addition, the Manual requires that existing native riparian vegetation be retained "unless it presents a threat to public health and safety, including an imminent danger of induced flooding, and/or a biologist/arborist confirms that removal will improve the stream ecology or habitat or it is deemed that removal is unavoidable." This impact would be *less than significant*. Implementation by municipal organizations of similar standards applying to private properties and any required CEQA review by those organizations should yield the same less than significant impact. Municipal organizations currently have the land use authority to require these standards.

(f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	☐	☐	☒	☐

Discussion

Less Than Significant Impact. Currently, no Habitat Conservation Plans or Natural Community Conservation Plans have been adopted within Santa Clara County. In October, 2005, the City of San Jose, County of Santa Clara, Santa Clara Valley Transportation Authority, Santa Clara Valley Water District, City of Gilroy, and City of Morgan Hill initiated a collaborative process to prepare a Habitat Conservation Plan/Natural Communities Conservation Plan (HCP/NCCP). The goals of the plan include the conservation of ecological integrity, ecosystem function and biodiversity. Adoption of the proposed Ordinance, repeal of Ordinance 83-2 and adoption by Resolution of the Manual would be consistent with goals of the proposed HCP/NCCP. In addition, the Resolution states the guidance in the Manual "is intended to compliment existing local, state, and federal regulations." Any activities requiring an Encroachment Permit will require additional CEQA analysis prior to approval. This impact would be *less than significant*. Implementation by municipal organizations of similar standards applying to private properties and any required CEQA review by those organizations should yield the same less than significant impact. Municipal organizations currently have the land use authority to require these standards.

V. CULTURAL RESOURCES

Would the project:

(a) Cause a substantial adverse change in the significance of a historical resource as defined in 15064.5?	☐	☐	☐	☒

Discussion

No Impact. Adoption of the proposed Ordinance, repeal of Ordinance 83-2 and adoption by Resolution of the Manual would not affect any existing structures or facilities that would be considered historical resource as defined in §15064.5 of the CEQA Guidelines. Any activities requiring an Encroachment Permit will require additional CEQA analysis prior to approval. There would be *no impact*. Implementation by municipal organizations of similar standards applying to private properties and any required CEQA review by those organizations should yield the same no impact result. Municipal organizations currently have the land use authority to require these standards.

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
(b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to 15064.5?	☐	☐	☐	☒

Discussion

No Impact. Adoption of the proposed Ordinance, repeal of Ordinance 83-2 and adoption by Resolution of the Manual would not result in any direct physical changes to the environment, and would generally limit ground disturbance and protect existing buried archaeological resources in riparian corridors. Any activities requiring an Encroachment Permit will require additional CEQA analysis prior to approval. There would be *no impact*. Implementation by municipal organizations of similar standards applying to private properties and any required CEQA review by those organizations should yield the same no impact result. Municipal organizations currently have the land use authority to require these standards.

(c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	☐	☐	☐	☒

Discussion

No Impact. Adoption of the proposed Ordinance, repeal of Ordinance 83-2 and adoption by Resolution of the Manual would not result in any direct physical changes to the environment, and would generally limit ground disturbance and protect existing buried paleontological resources or geologic features in riparian corridors. Any activities requiring an Encroachment Permit will require additional CEQA analysis prior to approval. There would be *no impact*. Implementation by municipal organizations of similar standards applying to private properties and any required CEQA review by those organizations should yield the same no impact result. Municipal organizations currently have the land use authority to require these standards.

(d) Disturb any human remains, including those interred outside of formal cemeteries?	☐	☐	☐	☒

Discussion

No Impact. Adoption of the proposed Ordinance, repeal of Ordinance 83-2 and adoption by Resolution of the Manual would not result in any direct physical changes to the environment, and would generally limit ground disturbance and thus reduce the potential for disturbance of human remains with respect to development on District rights-of-way. Any activities requiring an Encroachment Permit will require additional CEQA analysis prior to approval. There would be *no impact*. Implementation by municipal organizations of similar standards applying to private properties and any required CEQA review by those organizations should yield the same no impact result. Municipal organizations currently have the land use authority to require these standards.

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact

VI. GEOLOGY AND SOILS

Would the project:

(a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
(i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	☐	☐	☐	☒
(ii) Strong seismic ground shaking?	☐	☐	☐	☒
(iii) Seismic-related ground failure, including liquefaction?	☐	☐	☐	☒
(iv) Landslides?	☐	☐	☐	☒

Discussion

No Impact. Adoption of the proposed Ordinance, repeal of Ordinance 83-2 and adoption by Resolution of the Manual would not directly expose people or structures to potential substantial adverse effects associated with rupture of a known earthquake fault, strong seismic ground shaking, seismic-related ground failure or landslides. Any activities requiring an Encroachment Permit will require additional CEQA analysis prior to approval. There would be *no impact*. Implementation by municipal organizations of similar standards applying to private properties and any required CEQA review by those organizations should yield the same no impact result. Municipal organizations currently have the land use authority to require these standards.

(b) Result in substantial soil erosion or the loss of topsoil?	☐	☐	☒	☐

Discussion

Less than Significant Impact. Adoption of the proposed Ordinance, repeal of Ordinance 83-2 and adoption by Resolution of the Manual would not result in substantial soil erosion or the loss of topsoil. Individual projects would continue to be subject to the requirements of the Statewide Stormwater Construction Activities General Permit, which would require the preparation of implementation of a Storm Water Pollution Prevention Plan (SWPPP). In addition, any in-stream facilities could be subject to additional measures in conjunction with a streambed alteration agreement per Section 1600 of the California Fish and Game Code. The requirements and recommendations included in the Ordinance and Resolution, specifically those relating to Grading and Erosion Prevention and Repair, are designed to reduce the potential for erosion. Specifically, the Manual requires remediation of existing onsite erosion be provided, that design of erosion protection make use of the softest possible method, and that construction on slopes greater than five percent include plans for implementation of erosion and sediment control measures. Any activities requiring an Encroachment Permit will require additional CEQA analysis prior to approval. This impact would *be less than significant*. Implementation by municipal organizations of similar standards applying to private properties and any required CEQA review by those organizations should yield the same less than significant impact. Municipal organizations currently have the land use authority to require these standards.

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
(c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse?	☐	☐	☒	☐

Discussion

Less than Significant Impact. Adoption of the proposed Ordinance, repeal of Ordinance 83-2 and adoption by Resolution of the Manual would not result in any direct physical changes to the environment. Individual development proposals considered under the permit standards would continue to be subject to applicable codes and ordinances specifying design standards and regulating construction techniques in areas of unstable geologic units or soils. Any activities requiring an Encroachment Permit will require additional CEQA analysis prior to approval. This would be a *less than significant impact*. Implementation by municipal organizations of similar standards applying to private properties and any required CEQA review by those organizations should yield the same less than significant impact. Municipal organizations currently have the land use authority to require these standards.

(d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	☐	☐	☐	☒

Discussion

No Impact. Adoption of the proposed Ordinance, repeal of Ordinance 83-2 and adoption by Resolution of the Manual would not result in any direct changes to the environment. Any activities requiring an Encroachment Permit will require additional CEQA analysis prior to approval. Individual permitted development proposals on District rights-of-way would still be subject to applicable codes and ordinances specifying design standards and regulating construction techniques in areas of unstable geologic units or soils. There would be *no impact*. Implementation by municipal organizations of similar standards applying to private properties and any required CEQA review by those organizations should yield the same no impact result. Municipal organizations currently have the land use authority to require these standards.

(e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	☐	☐	☐	☒

Discussion

No Impact. Adoption of the proposed Ordinance, repeal of Ordinance 83-2 and adoption by Resolution of the Manual would not result in any physical changes to the environment. Existing building codes and applicable local regulations would continue to limit the installation of septic systems when site conditions include soils that are incapable of adequately supporting such disposal systems. Furthermore, the Manual requires consultation with the District to determine "whether a land feature is an active floodplain or swale and assist in determining high water marks at reservoirs." Any activities requiring an Encroachment Permit will require additional CEQA analysis prior to approval. There would be *no impact*. Implementation by municipal organizations of similar standards applying to private properties and any required CEQA review by those organizations should yield the same no impact result. Municipal organizations currently have the land use authority to require these standards.

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact

VII. HAZARDS AND HAZARDOUS MATERIALS

Would the project:

(a) **Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?**	☐	☐	☐	☒

Discussion

No Impact. Adoption of the proposed Ordinance, repeal of Ordinance 83-2 and adoption by Resolution of the Manual would not result in the routine transport, use, or disposal of hazardous materials, and thus no significant hazards to the public would be created. Any activities requiring an Encroachment Permit will require additional CEQA analysis prior to approval. There would be *no impact*. Implementation by municipal organizations of similar standards applying to private properties and any required CEQA review by those organizations should yield the same no impact result. Municipal organizations currently have the land use authority to require these standards.

(b) **Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?**	☐	☐	☐	☒

Discussion

No Impact. Adoption of the proposed Ordinance, repeal of Ordinance 83-2 and adoption by Resolution of the Manual would not create a hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment. Any activities requiring an Encroachment Permit will require additional CEQA analysis prior to approval. There would be *no impact*. Implementation by municipal organizations of similar standards applying to private properties and any required CEQA review by those organizations should yield the same no impact result. Municipal organizations currently have the land use authority to require these standards.

(c) **Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?**	☐	☐	☐	☒

Discussion

No Impact. Adoption of the proposed Ordinance, repeal of Ordinance 83-2 and adoption by Resolution of the Manual would not involve the emission of any hazardous materials, substance or waste. Any activities requiring an Encroachment Permit will require additional CEQA analysis prior to approval. There would be *no impact*. Implementation by municipal organizations of similar standards applying to private properties, and any required CEQA review by those organizations, should yield the same impact. Municipal organizations currently have the land use authority to require these standards.

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
(d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	☐	☐	☐	☒

Discussion

No Impact. Adoption of the proposed Ordinance, repeal of Ordinance 83-2 and adoption by Resolution of the Manual would not result in the development of any specific facilities or projects, and thus no development would occur on sites compiled pursuant to Government Code Section 65962.5 (DTSC 2005). Any activities requiring an Encroachment Permit will require additional CEQA analysis prior to approval. There would be *no impact*. Implementation by municipal organizations of similar standards applying to private properties and any required CEQA review by those organizations should yield the same no impact result. Municipal organizations currently have the land use authority to require these standards.

(e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	☐	☐	☐	☒

Discussion

No Impact. Adoption of the proposed Ordinance, repeal of Ordinance 83-2 and adoption by Resolution of the Manual would not create any safety hazards for people residing or working within an airport land use plan or within two miles of a public use airport. Any activities requiring an Encroachment Permit will require additional CEQA analysis prior to approval. There would be *no impact*. Implementation by municipal organizations of similar standards applying to private properties and any required CEQA review by those organizations should yield the same no impact result. Municipal organizations currently have the land use authority to require these standards.

(f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	☐	☐	☐	☒

Discussion

No Impact. Adoption of the proposed Ordinance, repeal of Ordinance 83-2 and adoption by Resolution of the Manual would not create any safety hazards for people residing or working in the vicinity or a private airstrip. Any activities requiring an Encroachment Permit will require additional CEQA analysis prior to approval. There would be *no impact*. Implementation by municipal organizations of similar standards applying to private properties and any required CEQA review by those organizations should yield the same less than significant impact. Municipal organizations currently have the land use authority to require these standards.

(g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	☐	☐	☐	☒

Discussion

No Impact. Adoption of the proposed Ordinance, repeal of Ordinance 83-2 and adoption by Resolution of the Manual would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan. Any activities requiring an Encroachment Permit will require additional CEQA analysis prior to approval. There would be *no impact*. Implementation by municipal organizations of similar

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact

standards applying to private properties and any required CEQA review by those organizations should yield the same no impact result. Municipal organizations currently have the land use authority to require these standards.

(h) **Expose people or structures to a significant risk of loss, injury, or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?**	☐	☐	☐	☒

Discussion

No Impact. Adoption of the proposed Ordinance, repeal of Ordinance 83-2 and adoption by Resolution of the Manual would not expose people or structure to increased risk of wildland fires. New and existing development would continue to be subject to building codes related to fire safety and applicable ordinances related to brush clearance and other fire safety measures. Any activities requiring an Encroachment Permit will require additional CEQA analysis prior to approval. There would be *no impact*. Implementation by municipal organizations of similar standards applying to private properties and any required CEQA review by those organizations should yield the same no impact result. Municipal organizations currently have the land use authority to require these standards.

VIII. HYDROLOGY AND WATER QUALITY

Would the project:

(a) **Violate any water quality standards or waste discharge requirements?**	☐	☐	☒	☐

Discussion

Less Than Significant Impact. Adoption of the proposed Ordinance, repeal of Ordinance 83-2 and adoption by Resolution of the Manual would reduce potential threats to water quality (e.g., erosion, septic systems, stormwater runoff), and would not violate any water quality standards or waste discharge requirements. Any activities requiring an Encroachment Permit will require additional CEQA analysis prior to approval. The Manual contains requirements and recommendations designed to provide additional water quality protections that compliment and go beyond those provided by other local, state and federal water quality standards. For example, under the Erosion Prevention and Repair section, standards relate to remediation of onsite existing erosion, as well as a demonstration that there will not be potential negative impacts. The Site Drainage section requires all site drainage to be directed through vegetated buffer areas or stilling basins prior to discharge, that use of outfalls must be minimized, and that any outfall discharge must not pollute receiving waters or cause channel erosion. The Groundwater protection section requires that groundwater resource assessments be prepared when there is the potential for significant groundwater supply or groundwater quality impacts. In the Outfalls, Pump Stations and Site Drainage section, the Manual requires that "site drainage is directed through vegetated areas or stilling basins prior to discharge or collection in storm drain systems." In addition, concentrated drainage (i.e., roof overhangs or downspouts) must be directed away from the stream, and overbank drainage must be directed to vegetative buffer strips or landscape areas prior to reaching the stream. Finally, the Manual recommends that projects "consider protective measures in source water protection zones and sensitive areas of reservoir watersheds." This impact would be *less than significant*. Implementation by municipal organizations of similar standards applying to private properties and any required CEQA review by those organizations should yield the same less than significant impact. Municipal organizations currently have the land use authority to require these standards.

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
(b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level that would not support existing land uses or planned uses for which permits have been granted)?	☐	☐	☒	☐

Discussion

Less than Significant Impact. Adoption of the proposed Ordinance, repeal of Ordinance 83-2 and adoption by Resolution of the Manual would not have any effect on groundwater supplies. As to groundwater recharge, the requirements and recommendations contained in the Manual include a requirement that runoff must be directed to the same watershed where the project is located. Furthermore, the Manual requires that groundwater resource assessments acceptable to the District must be prepared for permitted projects when there is a potential for significant groundwater supply or groundwater quality impacts, and that projects manage (i.e., limit, monitor, and implement best management practices) existing high risk activities in recharge areas of the basin. Any activities requiring an Encroachment Permit will require additional CEQA analysis prior to approval. This impact would be *less than significant*. Implementation by municipal organizations of similar standards applying to private properties and any required CEQA review by those organizations should yield the same less than significant impact. Municipal organizations currently have the land use authority to require these standards.

(c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner that would result in substantial erosion or siltation on or off site?	☐	☐	☒	☐

Discussion

Less than Significant Impact. Adoption of the proposed Ordinance, repeal of Ordinance 83-2 and adoption by Resolution of the Manual would not substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river in a manner that would result in substantial erosion or siltation on or off site. The Manual would likely result in reduced erosion or siltation due to new development in riparian corridors. Treatment of bare earthen slopes to minimize erosion and sedimentation resulting from projects must be provided. Under the Site Drainage sections, there is a requirement that concentrated drainage must be directed away from the stream or overbank drainage. The Channelization section requires that stream conveyance areas are designed for 100-year design flows with freeboard, and that any modifications to open channels must have an accepted hydraulic analysis including stream dynamics and induced flooding assessment. The Stream Encroachment section sets specific requirements for the placement of structures within the stream channel so as to minimize or eliminate potential negative effects. Specifically, "Structures proposed between the top of bank do not reduce the active channel of active floodplains' conveyance area or redirect flow to the detriment of another bank or the river bed unless a hydraulic analysis indicates no increase in erosive velocity or flood elevations will occur." Any activities requiring an Encroachment Permit will require additional CEQA analysis prior to approval. This impact would be *less than significant*. Implementation by municipal organizations of similar standards applying to private properties and any required CEQA review by those organizations should yield the same less than significant impact. Municipal organizations currently have the land use authority to require these standards.

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
(d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner that would result in flooding on or off site?	☐	☐	☒	☐

Discussion

Less than Significant Impact. Adoption of the proposed Ordinance, repeal of Ordinance 83-2 and adoption by Resolution of the Manual would provide additional permit requirements and recommendations to protect existing drainage patterns. Any activities requiring an Encroachment Permit will require additional CEQA analysis prior to approval. Implementation of the recommendations of the Manual would result in reduced erosion or siltation due to new development in riparian corridors. For example, the Channelization requirements include a standard that stream conveyance area must be designed for a 100-year design flow with freeboard, unless the active channel and floodplain will not contain the designed 100-year flow. Under the Encroachments section, there is a requirement that structures between the top of bank must not reduce the active channel or active floodplains' conveyance area or redirect flow to the detriment of another bank or the river bed unless a hydraulic analysis indicates that no increase in erosive velocity or flood elevations will result. Specifically, all projects requiring hydraulic analysis must use either the HECII or HEC-RAS format. Implementation of the recommendations of the Manual combined with compliance with building codes and other applicable local regulations related to site drainage would insure that impacts associated with flooding would be *less than significant*. Implementation by municipal organizations of similar standards applying to private properties and any required CEQA review by those organizations should yield the same less than significant impact. Municipal organizations currently have the land use authority to require these standards.

(e) Create or contribute runoff water that would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	☐	☐	☒	☐

Discussion

Less Than Significant Impact. Adoption of the proposed Ordinance, repeal of Ordinance 83-2 and adoption by Resolution of the Manual would provide additional permit requirements and recommendations to protect existing drainage patterns, specifically in the Encroachments between the Top of Bank, Erosion Prevention and Repair, and Channelization sections on District rights-of-way. Any activities requiring an Encroachment Permit will require additional CEQA analysis prior to approval. Implementation of the recommendations of the Manual would likely result in reduced erosion or siltation due to new development in riparian corridors. For example, in the Channelization section there is a requirement that Modifications to open channels must have an accepted hydraulic analysis including stream dynamics and induced flooding. To the extent that new development and redevelopment creates additional runoff, compliance with applicable regulations related to storm drain systems would assure that capacity upgrades are implemented as appropriate. With implementation of the standards and guidelines and continued compliance with applicable regulations, impacts on stormwater drainage systems and the quality of stormwater runoff would be *less than significant*. Implementation by municipal organizations of similar standards applying to private properties and any required CEQA review by those organizations should yield the same less than significant impact. Municipal organizations currently have the land use authority to require these standards.

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
(f) Otherwise substantially degrade water quality?	☐	☐	☒	☐

Discussion

Less Than Significant Impact. Adoption of the proposed Ordinance, repeal of Ordinance 83-2 and adoption by Resolution of the Manual will help to achieve beneficial effects to water quality on District rights-of-way. Under the Septic Systems section, it is recommended that the permittee consult with the District to determine whether a land feature is a stream or swale and for assistance in determining the high water marks at reservoirs before installation. In general, the permit requirements and recommendations would likely result in beneficial effects to water quality. Any activities requiring an Encroachment Permit will require additional CEQA analysis prior to approval. The impact would be less than significant. Implementation by municipal organizations of similar standards applying to private properties and any required CEQA review by those organizations should yield the same less than significant impact. Municipal organizations currently have the land use authority to require these standards.

(g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	☐	☐	☐	☒

Discussion

No Impact. Adoption of the proposed Ordinance, repeal of Ordinance 83-2 and adoption by Resolution of the Manual would not facilitate the development of any housing within a floodplain that existing land use policies would not allow. Therefore, the proposed project would not place housing, or structures that would impede or redirect flood flows, within a 100-year flood hazard area that would not be allowed without the Ordinance and Resolution. Any activities requiring an Encroachment Permit will require additional CEQA analysis prior to approval. There would be *no impact*. Implementation by municipal organizations of similar standards applying to private properties and any required CEQA review by those organizations should yield the same no impact result. Municipal organizations currently have the land use authority to require these standards.

(h) Place within a 100-year flood hazard area structures that would impede or redirect flood flows?	☐	☐	☐	☒

Discussion

No Impact. Adoption of the proposed Ordinance, repeal of Ordinance 83-2 and adoption by Resolution of the Manual would not result in the placement of any structures a 100-year flood hazard area that would not be allowed under existing land use policies. Any activities requiring an Encroachment Permit will require additional CEQA analysis prior to approval. There would be *no impact*. Implementation by municipal organizations of similar standards applying to private properties and any required CEQA review by those organizations should yield the same no impact result. Municipal organizations currently have the land use authority to require these standards.

(i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	☐	☐	☐	☒

Discussion

No Impact. Adoption of the proposed Ordinance, repeal of Ordinance 83-2 and adoption by Resolution of the Manual would have no impact on levees or dams or the potential failure of such structures, which are subject to inspection by the State Division of Dam Safety and local authorities. Any activities requiring an Encroachment Permit will require additional CEQA analysis prior to approval. There would be *no impact*. Implementation by

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
municipal organizations of similar standards applying to private properties and any required CEQA review by those organizations should yield the same no impact result. Municipal organizations currently have the land use authority to require these standards.				
(j) Inundation by seiche, tsunami, or mudflow?	☐	☐	☒	☐

Discussion

Less than Significant Impact. The proposed project region is located inland from the Pacific Ocean. Consequently, tsunamis are not considered a hazard. No permanent bodies of water within Santa Clara County are present that are sufficiently large to produce a seiche of substantial magnitude. Preservation of existing stream channels and reducing alteration of streamside resources would preserve existing soil and vegetation conditions, which could include areas of soil instability, which could be subject to mobilization (e.g., as a mudflow) in the event of periods of intense or extended rainfall. To the extent such hazardous conditions are identified, other local regulations relating to the conditions, including policies set forth under general plans specific plans, or developer agreements, would still be in force, and appropriate remedial measures would be implemented, even to the extent such measures require modification of stream channels or streamside resources. To the extent that alteration of stream channels or streamside resources (associated with new development or redevelopment) could create conditions that increase the risk of slope or bank failure, adoption of the proposed Ordinance, repeal of Ordinance 83-2 and adoption by Resolution of the Manual would reduce the potential for such failures and resulting mudflows. Any activities requiring an Encroachment Permit will require additional CEQA analysis prior to approval. This impact would be *less than significant*. Implementation by municipal organizations of similar standards applying to private properties and any required CEQA review by those organizations should yield the same less than significant impact. Municipal organizations currently have the land use authority to require these standards.

IX. LAND USE AND PLANNING

Would the project:

(a) Physically divide an established community?	☐	☐	☐	☒

Discussion

No Impact. Adoption of the proposed Ordinance, repeal of Ordinance 83-2 and adoption by Resolution of the Manual would not physically divide any established communities. Any activities requiring an Encroachment Permit will require additional CEQA analysis prior to approval. There would be *no impact*. Implementation by municipal organizations of similar standards applying to private properties and any required CEQA review by those organizations should yield the same no impact result. Municipal organizations currently have the land use authority to require these standards.

(b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	☐	☐	☒	☐

Discussion

Less Than Significant Impact. Review of development proposals and the potential imposition of Encroachment Permit conditions to modifications to District facilities. Adoption of the proposed Ordinance,

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact

repeal of Ordinance 83-2 and adoption by Resolution of the Manual would be generally consistent with the intent of such regulations adopted for the purpose of avoiding or mitigating an environmental effect related to development within stream channels or on streamside resources. In addition, the Resolution states that the guidance in the Manual "is intended to compliment existing local, state, and federal regulations." Any activities requiring an Encroachment Permit will require additional CEQA analysis prior to approval. This impact would be *less than significant*. Implementation by municipal organizations of similar standards applying to private properties and any required CEQA review by those organizations should yield the same less than significant impact. Municipal organizations currently have the land use authority to require these standards.

(c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	☐	☐	☒	☐

Discussion

Less Than Significant Impact. Currently, no Habitat Conservation Plans or Natural Community Conservation Plans have been adopted within Santa Clara County. In October, 2005, the City of San Jose, County of Santa Clara, Santa Clara Valley Transportation Authority, Santa Clara Valley Water District, City of Gilroy, and City of Morgan Hill initiated a collaborative process to prepare a Habitat Conservation Plan/Natural Communities Conservation Plan (HCP/NCCP). The goals of the plan include the conservation of ecological integrity, ecosystem function and biodiversity. Adoption of the proposed Ordinance, repeal of Ordinance 83-2 and adoption by Resolution of the Manual would be consistent with goals of the proposed HCP/NCCP. Any activities requiring an Encroachment Permit will require additional CEQA analysis prior to approval. This impact would be *less than significant*. Implementation by municipal organizations of similar standards applying to private properties and any required CEQA review by those organizations should yield the same less than significant impact. Municipal organizations currently have the land use authority to require these standards.

X. MINERAL RESOURCES

Would the project:

(a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	☐	☐	☒	☐
(b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?	☐	☐	☒	☐

Discussion

Less Than Significant Impact. Adoption of the proposed Ordinance, repeal of Ordinance 83-2 and adoption by Resolution of the Manual would reduce alteration of existing stream channels and streamside resources associated with modifications on District Facilities and/or Right of Ways. To the extent that mineral resource recovery activities are currently permitted by local land use regulations (e.g., city or county general plans), such activities would continue. New proposals for mineral resource recovery activities within stream channels and on streamside resources could be affected. Any activities requiring an Encroachment Permit will require additional CEQA analysis prior to approval. The potential for such new development proposals on District rights-of-way is small. This impact would be *less than significant*. Implementation by municipal organizations of similar standards applying to private properties and any required CEQA review by those organizations should yield the same less than significant impact. Municipal organizations currently have the land use authority to require these standards.

XI. NOISE

Would the project result in:	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
(a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	☐	☐	☐	☒
(b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	☐	☐	☐	☒
(c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☐	☐	☒
(d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☐	☐	☒

Discussion

No Impact. Adoption of the proposed Ordinance, repeal of Ordinance 83-2 and adoption by Resolution of the Manual would generally limit ground disturbance and reduce potential for noise impacts associated with development at those locations. No increases in noise or vibration levels would result from development review. Any activities requiring an Encroachment Permit will require additional CEQA analysis prior to approval. There would be *no impact*. Implementation by municipal organizations of similar standards applying to private properties and any required CEQA review by those organizations should yield the same no impact result. Municipal organizations currently have the land use authority to require these standards.

(e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	☒

Discussion

No Impact. Adoption of the proposed Ordinance, repeal of Ordinance 83-2 and adoption by Resolution of the Manual would have no affect on noise levels within airport land use plans or within two miles of a public use airport. Any activities requiring an Encroachment Permit will require additional CEQA analysis prior to approval. There would be *no impact*. Implementation by municipal organizations of similar standards applying to private properties and any required CEQA review by those organizations should yield the same no impact result. Municipal organizations currently have the land use authority to require these standards.

(f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	☒

Discussion

No Impact. Adoption of the proposed Ordinance, repeal of Ordinance 83-2 and adoption by Resolution of the Manual would not expose people residing or working in the vicinity or a private airstrip to excessive noise impacts. Any activities requiring an Encroachment Permit will require additional CEQA analysis prior to approval. There would be *no impact*. Implementation by municipal organizations of similar standards applying to

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact

private properties and any required CEQA review by those organizations should yield the same no impact result. Municipal organizations currently have the land use authority to require these standards.

XII. POPULATION AND HOUSING

Would the project:

(a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	☐	☐	☐	☒

Discussion

No Impact. Adoption of the proposed Ordinance, repeal of Ordinance 83-2 and adoption by Resolution of the Manual would have no effect on population or housing growth, either directly or indirectly. Any activities requiring an Encroachment Permit will require additional CEQA analysis prior to approval. There would be *no impact*. Implementation by municipal organizations of similar standards applying to private properties and any required CEQA review by those organizations should yield the same no impact result. Municipal organizations currently have the land use authority to require these standards.

(b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒

Discussion

No Impact. Adoption of the proposed Ordinance, repeal of Ordinance 83-2 and adoption by Resolution of the Manual would not displace any housing. Any activities requiring an Encroachment Permit will require additional CEQA analysis prior to approval. There would be *no impact*. Implementation by municipal organizations of similar standards applying to private properties and any required CEQA review by those organizations should yield the same no impact result. Municipal organizations currently have the land use authority to require these standards.

(c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒

Discussion

No Impact. Adoption of the proposed Ordinance, repeal of Ordinance 83-2 and adoption by Resolution of the Manual would not displace any people. Any activities requiring an Encroachment Permit will require additional CEQA analysis prior to approval. There would be *no impact*. Implementation by municipal organizations of similar standards applying to private properties and any required CEQA review by those organizations should yield the same no impact result. Municipal organizations currently have the land use authority to require these standards.

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
XIII. PUBLIC SERVICES				
(a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
(i) Fire protection?	☐	☐	☐	☒
(ii) Police protection?	☐	☐	☐	☒
(iii) Schools?	☐	☐	☐	☒
(iv) Parks?	☐	☐	☐	☒
(v) Other public facilities?	☐	☐	☐	☒

Discussion

No Impact. (Items i–v) Adoption of the proposed Ordinance, repeal of Ordinance 83-2 and adoption by Resolution of the Manual would have no effect on the provision or public services. No new or altered facilities would be required to assure the continued provision of public services. Any activities requiring an Encroachment Permit will require additional CEQA analysis prior to approval. There would be *no impact*. Implementation by municipal organizations of similar standards applying to private properties and any required CEQA review by those organizations should yield the same no impact result. Municipal organizations currently have the land use authority to require these standards.

XIV. RECREATION				
(a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	☐	☐	☒	☐

Discussion

Less than Significant Impact. Adoption of the proposed Ordinance, repeal of Ordinance 83-2 and adoption by Resolution of the Manual would preserve passive recreational opportunities associated with streams. The requirements and recommendations include standards for new trail development to avoid impacts to stream and riparian areas. Any activities requiring an Encroachment Permit will require additional CEQA analysis prior to approval. This impact would be *less than significant*. Implementation by municipal organizations of similar standards applying to private properties and any required CEQA review by those organizations should yield the same less than significant impact. Municipal organizations currently have the land use authority to require these standards.

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
(b) Does the project include recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment?	☐	☐	☐	☒

Discussion

No Impact. Adoption of the proposed Ordinance, repeal of Ordinance 83-2 and adoption by Resolution of the Manual would not include any recreational facilities. Any activities requiring an Encroachment Permit will require additional CEQA analysis prior to approval. There would be *no impact*. Implementation by municipal organizations of similar standards applying to private properties and any required CEQA review by those organizations should yield the same no impact result. Municipal organizations currently have the land use authority to require these standards.

XV. TRANSPORTATION/TRAFFIC

Would the project:

(a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?	☐	☐	☐	☒

Discussion

No Impact. Adoption of the proposed Ordinance, repeal of Ordinance 83-2 and adoption by Resolution of the Manual would protect the quality of existing stream channels and streamside resources. It would not result in any increase in traffic or trip generation levels. Any activities requiring an Encroachment Permit will require additional CEQA analysis prior to approval. There would be *no impact*. Implementation by municipal organizations of similar standards applying to private properties and any required CEQA review by those organizations should yield the same no impact result. Municipal organizations currently have the land use authority to require these standards.

(b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?	☐	☐	☐	☒

Discussion

No Impact. Adoption of the proposed Ordinance, repeal of Ordinance 83-2 and adoption by Resolution of the Manual would not have any effect on traffic and trip generation levels, or on service standards for Congestion Management Plan designated roads or highways. Any activities requiring an Encroachment Permit will require additional CEQA analysis prior to approval. There would be *no impact*. Implementation by municipal organizations of similar standards applying to private properties and any required CEQA review by those organizations should yield the same no impact result. Municipal organizations currently have the land use authority to require these standards.

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
(c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	☐	☐	☐	☒

Discussion

No Impact. Adoption of the proposed Ordinance, repeal of Ordinance 83-2 and adoption by Resolution of the Manual would have no effect on air traffic patterns. Any activities requiring an Encroachment Permit will require additional CEQA analysis prior to approval. There would be *no impact*. Implementation by municipal organizations of similar standards applying to private properties and any required CEQA review by those organizations should yield the same no impact result. Municipal organizations currently have the land use authority to require these standards.

(d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	☐	☐	☐	☒

Discussion

No Impact. Adoption of the proposed Ordinance, repeal of Ordinance 83-2 and adoption by Resolution of the Manual would not involve development of any general use roads or result in incompatible uses. Any activities requiring an Encroachment Permit will require additional CEQA analysis prior to approval. There would be *no impact*. Implementation by municipal organizations of similar standards applying to private properties and any required CEQA review by those organizations should yield the same no impact result. Municipal organizations currently have the land use authority to require these standards.

(e) Result in inadequate emergency access?	☐	☐	☐	☒

Discussion

No Impact. Adoption of the proposed Ordinance, repeal of Ordinance 83-2 and adoption by Resolution of the Manual would have no affect on emergency access. Any activities requiring an Encroachment Permit will require additional CEQA analysis prior to approval. There would be *no impact*. Implementation by municipal organizations of similar standards applying to private properties and any required CEQA review by those organizations should yield the same no impact result. Municipal organizations currently have the land use authority to require these standards.

(f) Result in inadequate parking capacity?	☐	☐	☐	☒

Discussion

No Impact. Adoption of the proposed Ordinance, repeal of Ordinance 83-2 and adoption by Resolution of the Manual would have no affect on parking capacity. Any activities requiring an Encroachment Permit will require additional CEQA analysis prior to approval. There would be *no impact*. Implementation by municipal organizations of similar standards applying to private properties and any required CEQA review by those organizations should yield the same no impact result. Municipal organizations currently have the land use authority to require these standards.

(g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?	☐	☐	☐	☒

Discussion

No Impact. Adoption of the proposed Ordinance, repeal of Ordinance 83-2 and adoption by Resolution of the Manual would not conflict with adopted policies supporting alternative transportation. Any activities requiring

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact

an Encroachment Permit will require additional CEQA analysis prior to approval. There would be *no impact*. Implementation by municipal organizations of similar standards applying to private properties and any required CEQA review by those organizations should yield the same no impact result. Municipal organizations currently have the land use authority to require these standards.

XVI. UTILITIES AND SERVICE SYSTEMS

Would the project:

(a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	☐	☐	☒	☐

Discussion

Less Than Significant Impact. Adoption of the proposed Ordinance, repeal of Ordinance 83-2 and adoption by Resolution of the Manual would not result in any direct wastewater discharge. Under the Septic Systems section, it is recommended that the permittee consult with the District to determine whether a land feature is a stream or swale and for assistance in determining the high water marks at reservoirs before installation of any new septic systems in riparian corridors. Any activities requiring an Encroachment Permit will require additional CEQA analysis prior to approval. Impacts would be *less than significant*. Implementation by municipal organizations of similar standards applying to private properties and any required CEQA review by those organizations should yield the same less than significant impact. Municipal organizations currently have the land use authority to require these standards.

(b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	☐	☐	☐	☒

Discussion

No Impact. Adoption of the proposed Ordinance, repeal of Ordinance 83-2 and adoption by Resolution of the Manual would not result in any additional water demand or wastewater discharge would result, and no new water or wastewater treatment facilities would be required. Any activities requiring an Encroachment Permit will require additional CEQA analysis prior to approval. There would be *no impact*. Implementation by municipal organizations of similar standards applying to private properties and any required CEQA review by those organizations should yield the same no impact result. Municipal organizations currently have the land use authority to require these standards.

(c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	☐	☐	☒	☐

Discussion

Less Than Significant Impact. Adoption of the proposed Ordinance, repeal of Ordinance 83-2 and adoption by Resolution of the Manual would not directly generate any additional runoff nor require construction of new storm water drainage facilities or expansion of existing facilities. The requirements and recommendations of the proposed Ordinance and Resolution are designed to protect against potentially significant environmental effects associated with construction on District rights-of-way. Any activities requiring an Encroachment Permit will

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact

require additional CEQA analysis prior to approval. This impact would be *less than significant*. Implementation by municipal organizations of similar standards applying to private properties and any required CEQA review by those organizations should yield the same less than significant impact. Municipal organizations currently have the land use authority to require these standards.

(d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	☐	☐	☐	☒

Discussion

No Impact. Adoption of the proposed Ordinance, repeal of Ordinance 83-2 and adoption by Resolution of the Manual would result in no effect on existing entitlements or water resources. Any activities requiring an Encroachment Permit will require additional CEQA analysis prior to approval. There would be *no impact*. Implementation by municipal organizations of similar standards applying to private properties and any required CEQA review by those organizations should yield the same no impact result. Municipal organizations currently have the land use authority to require these standards.

(e) Result in a determination by the wastewater treatment provider that serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	☐	☐	☐	☒

Discussion

No Impact. Adoption of the proposed Ordinance, repeal of Ordinance 83-2 and adoption by Resolution of the Manual would result in no effect on wastewater treatment facilities. Any activities requiring an Encroachment Permit will require additional CEQA analysis prior to approval. There would be *no impact*. Implementation by municipal organizations of similar standards applying to private properties and any required CEQA review by those organizations should yield the same no impact result. Municipal organizations currently have the land use authority to require these standards.

(f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	☐	☐	☐	☒

Discussion

No Impact. Adoption of the proposed Ordinance, repeal of Ordinance 83-2 and adoption by Resolution of the Manual would have no effect on additional solid waste generated and no effect on existing landfill facilities. Any activities requiring an Encroachment Permit will require additional CEQA analysis prior to approval. There would be *no impact*. Implementation by municipal organizations of similar standards applying to private properties and any required CEQA review by those organizations should yield the same no impact result. Municipal organizations currently have the land use authority to require these standards.

(g) Comply with federal, state, and local statutes and regulations related to solid waste?	☐	☐	☐	☒

Discussion

No Impact. Adoption of the proposed Ordinance, repeal of Ordinance 83-2 and adoption by Resolution of the Manual would not conflict with applicable city, county, and state solid waste diversion, reduction, and recycling mandates. Any activities requiring an Encroachment Permit will require additional CEQA analysis prior to approval. There would be *no impact*. Implementation by municipal organizations of similar standards applying to

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact

private properties and any required CEQA review by those organizations should yield the same no impact result. Municipal organizations currently have the land use authority to require these standards.

XVII. MANDATORY FINDINGS OF SIGNIFICANCE

(a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	☐	☐	☒	☐

Discussion

Less than Significant Impact. Adoption of the proposed Ordinance, repeal of Ordinance 83-2 and adoption by Resolution of the Manual would increase protection of existing stream channels and streamside resources that could result from new land use development proposals on District rights-of-way. Any activities requiring an Encroachment Permit will require additional CEQA analysis prior to approval. Establishing written standards describing the extent of stream channel alterations and streamside property alterations on District rights-of-way would help to preserve existing land forms and vegetation, which would reduce potential direct and indirect effects to candidate, sensitive or special status species and preserve wetland and riparian habitat which may support such species. The application of similar requirements by municipal organizations through their existing land use authorities will have similar effects on the natural environment. Thus, no adverse effects to species or populations, or the number of range of endangered species is anticipated.

(b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	☐	☐	☒	☐

Discussion

Less than Significant Impact. Adoption of the proposed Ordinance, repeal of Ordinance 83-2 and adoption by Resolution of the Manual would increase protection of stream channels and streamside resources on District rights-of-way. Municipal organization have effective ways to regulate land uses near streams on non-District properties is to incorporate the review and permitting process into existing development review conducted by the Municipal Organizations. Any agency who exercises the permitting authority will be subject to the requirements of CEQA on a project specific basis. Thus, the cumulative result would be to extend protection and preservation of stream channels and streamside resources throughout Santa Clara County. No adverse cumulative effects would result.

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
(c) Does the project have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly?	☐	☐	☒	☐

Discussion

Less Than Significant Impact. Adoption of the proposed Ordinance, repeal of Ordinance 83-2 and adoption by Resolution of the Manual would increase protection of existing stream channels and streamside resources associated with new development and redevelopment on District rights-of-way. Implementation of the standards by the municipal organizations will have the same or general affect on human beings. No substantial adverse effects on human beings, either directly or indirectly would result. Any activities requiring an Encroachment Permit will require additional CEQA analysis prior to approval.

REFERENCES

Santa Clara Valley Water District, *Draft Water Resources Protection Manual*, June 2006

-------, *Draft Water Resources Ordinance*, August, 2006

Water Resources Protection Collaborative, *User Manual Guidelines and Standards for Land Use Near Streams*, August, 2005